

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 CMR 453

103 CMR 453.00: SELECTION PROCEDURES FOR CADRE POSITIONS

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453.01 Purpose

To establish criteria and procedures for selecting inmates to fill cadre positions at state correctional institutions.

453.02 Cancellation

103 CMR 453.00 cancels all previous departmental or institutional policy statements and rules and regulations regarding criteria and procedures for selection for cadre positions.

453.03 Applicability

103 CMR 453.00 is applicable to all state correctional institutions.

453.04 Statutory Authority

103 CMR 453 is issued pursuant to M.G.L. c. 124, §§ 1(e), (f), (g), and (q), M.G.L. c.127, §48 and 83B. 103 CMR 453.00 is not intended to confer any procedural or substantive rights not otherwise granted by state or federal law, nor any private cause of action.

453.05 Access to Regulations

103 CMR 453.00 shall be maintained within the central policy file at the department and will be accessible to all department employees. A copy of these regulations shall also be maintained in each superintendent's central policy file and at each inmate library.

453.06 Definitions

Cadre - A core group of inmates with special skills or abilities (i.e., cooking, maintenance, clerical, etc.) who are utilized in providing direct services to a Level 2 state correctional institution on a standard work schedule basis.

Cadre Position - A previously established full-time work placement within a Level 2 state correctional institution.

Classification Board - A committee of institutional or departmental employees that makes recommendations to the superintendent concerning an inmate's program participation or placement within the Department of Correction.

Department - The Department of Correction

453.07 Number of Cadre Positions at Each State Correctional Facility

The superintendent of each Level 2 state correctional institution may identify the cadre needs and establish the number of cadre positions for the institution, subject to the approval of the respective assistant

deputy commissioner.

453.08 Minimum Eligibility Criteria for Cadre

- (1) An inmate cadre applicant must comply with the following criteria:
 - (a) Shall have established minimum security status.
 - (b) Shall have not more than 42 months and not less than six months to serve before parole eligibility or release date.
 - (c) Time requirements in addition to those stated in 103 CMR 453.08(1)(b) shall be:
Inmates serving life sentences other than for murder in the first degree must have served 12 years of that sentence.
- (2) Inmates serving sentences for violations of M.G.L. c.265, §§ 22, 23 or 24 or for an attempt to commit a crime referred to in M.G.L. c. 265, §§ 22, 23, and 24 shall not be eligible to fill cadre positions at MCI-Plymouth in accordance with M.G.L. c.127, § 83B.

453.09 Preparation and Posting of Job Descriptions for Cadre Positions

- (1) When a cadre position is established in a Level 2 state correctional institution or when there are no more than 60 days remaining before an existing cadre position will become vacant the superintendent, or designee, shall screen their population for eligible and suitable candidates. If the superintendent cannot identify an eligible and suitable candidate, then he shall prepare a job description containing detailed information to include skills and experience required and duties and responsibilities.
- (2) The superintendent of said institution shall submit the cadre posting to the director of the classification division.
- (3) The director of the classification division shall notify each Level 3 state correctional institution of the cadre position vacancy and shall disseminate a copy of the cadre posting with a final date for

submission of inmate requests.

- (4) Cadre wages are as provided in 103 CMR 405.00:
Inmate Funds.

453.10 Applications for Cadre Positions

Inmates interested in applying for a cadre position shall submit a request to the superintendent of their respective institution and such inmate shall be responsible for providing the information and evidence that qualify him for the position.

453.11 Screening Applications for Cadre Positions

- (1) The superintendent, or his designee, at each Level 3 state correctional institution shall schedule a classification board to consider the eligibility of inmate applicants for cadre positions. In determining eligibility, the classification board shall consider if the inmate meets the minimum eligibility criteria as set forth in 103 CMR 453.08 and further meets the specifications set forth in the cadre posting. The classification board shall make a recommendation of approval or denial of each inmate applicant to the superintendent.
- (2) The superintendent shall review the recommendation of the classification board and recommend approval or denial. The superintendent's recommendation shall be submitted to the director of the classification division.

453.12 Departmental Selection Procedures

The director of the classification division shall review the superintendent's recommendation and make a final decision regarding the inmate's suitability and eligibility for the vacant cadre position. All classification boards that are approved by the director will be forwarded to the superintendent of the facility with the vacant cadre position. The superintendent will review the classification material of all approved inmates and select an inmate to fill the position.

453.13 Termination of Cadre Status

Whenever a superintendent believes that the cadre status of an inmate should be terminated for failure to fulfill the duties and responsibilities of his cadre position, or because the inmate has been found guilty and received a sanction for a major disciplinary infraction, the inmate's status should be reviewed to consider possible termination of that status and transfer from the state correctional facility in accordance with 103 CMR 420.00: *Classification*.

453.14 Responsible Staff

The deputy commissioner shall be responsible for monitoring this policy throughout the department. The superintendent of each correctional institution shall be responsible for the implementation of this policy within his institution.

453.15 Annual Review Date

103 CMR 453.00 shall be reviewed annually by the deputy commissioner.

The party or parties conducting the review shall submit a memorandum to the commissioner with a copy to the central policy file, indicating that the review has been completed. Recommendations for revisions, additions or deletions shall be included.

453.16 Severability

If any article, section, subsection, sentence, clause or phrase of 103 CMR 453.00 is contrary to statute, in excess of the authority of the commissioner, or otherwise inoperative, such decision shall not effect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 453.00.

REGULATORY AUTHORITY

103 CMR 453.00: M.G.L. c. 124, §§1(e),1(f),1(g),1(q) and c. 127, §§ 48 and 83B.